

REMARKS/ARGUMENTS

Claims 11-21 are active and find support in original Claims 1-10 noting that the intended use of prior claims 1-10 have been re-presented as method claims in accordance with U.S. practice.

Improper multiple dependencies are not present.

The noted items under 35 USC 112, second paragraph (page 5 of the Action) are no longer applicable as those claims have been cancelled.

No new matter is believed to have been added.

The claims of this application are directed to method of inhibiting adhesion of tissue in a spinal cord being operated on, in which a sponge, a film, or a suspension containing a cross-linked acid polysaccharide. Thus, this method reduces the degree of adhesion or inhibiting adhesion caused by a spine/spinal cord surgery.

Example 7, page 29, tests adhesion inhibition by cross-linked hyaluronic acid in the form of a sponge in rabbits. As described on page 31, it was found that by application of the crosslinked hyaluronic acid in the form of a sponge, it becomes possible to keep a space between the scar tissue and the dura mater, and it is possible to suppress infiltration of inflammatory cells and thickening of the dura mater.

Example 8, page 31, tests adhesion inhibition by cross-linked carboxymethylcellulose in the form of a sponge in rabbits. As described on page 31, adhesion inhibition was observed.

Example 12, page 34, tests adhesion inhibition by cross-linked hyaluronic acid in the form of a film in rabbits. As described on page 34, it is evident that an adhesion inhibiting effect can be obtained even by the crosslinked hyaluronic acid or the crosslinked carboxymethylcellulose in the form of a film.

Other tests on various forms, particle sizes etc are reported in the Examples as well.

Example 18 tests inhibition in a rabbit inflammatory model that was found that the product of the present invention has an adhesion inhibiting effect even when applied to an inflammatory site (see page 40).

In the Official Action, the Examiner has rejected the claims under 35 USC 102(b) in view of US Patent No. 6,635,267, 6,638,538, 6,387,413 and 7,014,860. In addition to the rejections under 35 USC §102(b), the Examiner has also stated that the claims are obvious in view of the claims presented in each of those four US patents.

Each of the cited patents do describe hyaluronic acid gels or carboxymethyl cellulose materials used in biomedical applications (see column 2, lines 55-61 of US'413; column 2, lines 23-26 of US'538; column 8, lines 44-50 of US'267; and column 6, lines 22-30 of US'860). Further, the US'413 patent also describes that the material can be used as an adhesion preventive and prevent post-operative adhesion (see again, column 2, lines 55-61 of US'413).

Neither the patents nor their claims describe or suggest inhibiting adhesion of tissue in a spinal cord region being operated on during spinal cord surgery in a patient as defined in the claims.

Withdrawal of the rejections under 35 USC 102(b) and the provisional obviousness-type double patenting rejections is requested.

Respectfully submitted,

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